

**Testimony Before the Senate Judiciary Committee on March 17, 2009****Frank Gilmore**

Mr. Chairman and Members of the Committee. I am Frank Gilmore (GILMORE) and I live in Butte, Montana

I rise to oppose HB 228 not because I am opposed to the preservation of Second Amendment rights or to self defense. I oppose this bill because it does not clearly exclude campuses of higher education. Although this may be covered elsewhere, I believe this bill should specifically exclude higher education for reasons I mention below. The other part of this bill that I oppose is Section 3 (2) (a), (b) and (c) because this section specifically allows intimidation with a firearm. The second amendment of the US Constitution is silent on the subject of intimidation by using a firearm so there can be no claim that the US Constitution provides protection of the right to intimidate using a firearm.

Why should campuses of higher educational institutions be excluded from this bill? My reason is that if firearms were allowed on campuses I would probably be dead today. In about 2000 a nontraditional student who was about 35 frequently showed up in my office in a rage. He used very profane language. I could usually calm him down only by indicating that I was going to the outer office to call the police. I am convinced this individual would have killed me had we allowed guns on campus. He was dangerous only in the heat of his rages. He ultimately went into a business where his estranged wife worked and when she locked herself in the bathroom he shot her through the door and then shot himself. He left three young orphans.

My reason for wanting Section 3 removed is very personal because I was the subject of intimidation with a gun when I was ten years old and over 60 years later I still remember it very vividly. When I was ten my family moved from Lauderdale County, Mississippi to Muscogee County, Georgia. My parents rented a farm house that was heated with wood and my father had a truck and driver from the company he worked for take my brother and me to a wood yard to get wood. The driver was an elderly African American gentleman. I had been taught to say yes sir to any man over twenty and during the loading process the white owner of the wood yard came out and it was obvious that he had a pistol stuck in his hip pocket. For reasons I do not remember (probably because I was given instructions) I said "yes sir" to the black driver. The white owner immediately went into a rage, whipped out his pistol, pointed it into the air and told me that if he ever heard me say "sir" to a \_\_\_\_\_, \_\_\_\_\_ again he would whip me within an inch of my life. Intimidation is the worst form of bullying and should not be promoted or allowed under any circumstances. To promote intimidation with a firearm in a legislative bill is unconscionable.